

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AL INFINITY, LLC,

Plaintiff,
-against-

20 CIVIL 4813 (NRB)

JUDGMENT

CROWN CELL, INC., HERSCHEL SPALTER,
ISSER BOYARSKY, and DOES 1-10,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum and Order dated May 1, 2024, in sum, even with a second bite of the apple, plaintiff has done nothing to disturb any finding -- legal or factual -- that we made in our initial Order. As we explained there, there was record evidence showing that the goods in question were supplied and distributed by authorized entities and thus that the goods were not counterfeit. Plaintiff put forth no evidence, now or then, to dispute this critical fact, even though the Court gave plaintiff significant time and opportunity to do so. Moreover, as we noted in our initial Order, the absence of such evidence was striking given that this evidence would be "uniquely within plaintiff's control." Order at 23. Based on our finding that the goods in question were not shown to be counterfeit, we held that "the predicate for [plaintiff's] remaining four causes of action no longer exists." Id. at 30-31. Even after giving plaintiff ample opportunity to refute this "legal logic," it remains firmly intact, and therefore, we enter summary judgment for defendants dismissing all of plaintiff's causes of action. Judgment is entered for defendants dismissing the complaint; accordingly, the case is closed.

Dated: New York, New York

May 1, 2024

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mangold

Deputy Clerk